



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 17, 2018

BY HAND AND ECF

The Honorable Alison J. Nathan
United States District Judge
40 Foley Square
New York, New York 10007

Re: *United States v. General Motors Company*, 15 Cr. 747 (AJN)

Dear Judge Nathan:

The Government writes to respectfully request that the Court so-order the attached *nolle prosequi* dismissing the charges in this case because General Motors Company ("GM"), the defendant, has complied with the provisions of a deferred prosecution agreement (the "Agreement") previously presented to the Court.

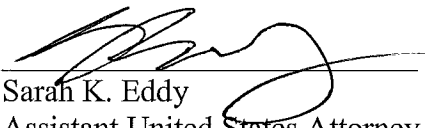
On September 17, 2015, GM waived indictment in a proceeding before the Court and was charged in a two-count Information (the "Information") with wire fraud, in violation of 18 U.S.C. §§ 1343 and 2, and making false statements, in violation of 18 U.S.C. §§ 1001 and 2. At the same proceeding, the parties presented the Court with the Agreement, and the Court excluded time pursuant to the Speedy Trial Act for three years, until September 17, 2018.

The Agreement provides for the dismissal of the Information after the period of deferral if GM complies with its obligations under the Agreement. The Government has determined that GM has complied with these obligations and accordingly respectfully submits the attached *nolle prosequi*.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:


Sarah K. Eddy
Assistant United States Attorney
Tel. No.: (212) 637-1033

cc: Counsel for GM (by ECF)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA
:
-v.- : NOLLE PROSEQUI
:
GENERAL MOTORS COMPANY, : 15 Cr. 747 (AJN)
:
Defendant. :
- - - - -x

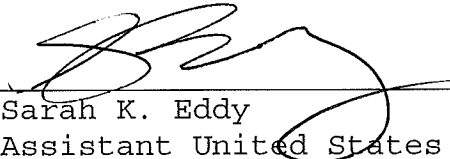
1. The filing of this nolle prosequi will dispose of this case with respect to General Motors Company, the defendant.

2. On or about September 15, 2015, Information 15 Cr. 747 (AJN) (the "Information") was filed, charging General Motors Company in two counts with a scheme to conceal material information from a government regulator, in violation of 18 U.S.C. §§ 1001 and 2, and wire fraud, in violation of 18 U.S.C. §§ 1343 and 2.

3. On or about September 17, 2015, in connection with the filing of the Information, the defendant and the Government executed and presented to the Court a deferred prosecution agreement (the "DPA"), pursuant to which prosecution was to be deferred for a period of three years. On that same date, the Court excluded time under the Speedy Trial Act until September 17, 2018.

4. Based upon the defendant's compliance with the terms of the DPA, it has been concluded that the Government will not now proceed with the prosecution of General Motors Company.

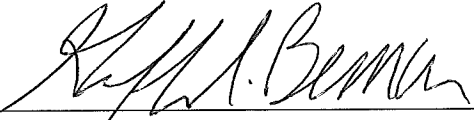
6. In light of the foregoing, I recommend that an order of nolle prosequi be filed as to defendant General Motors Company with respect to Information 15 Cr. 747 (AJN), and that the charges against the defendant be dismissed with prejudice.



Sarah K. Eddy
Assistant United States Attorney

Dated: New York, New York
September 17, 2018

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to defendant General Motors Company with respect to Information 15 Cr. 747 (AJN), and that the charges contained therein be dismissed with prejudice.



GEOFFREY S. BERMAN
United States Attorney
Southern District of New York

Dated: New York, New York
September 17, 2018

SO ORDERED:

HON. ALISON J. NATHAN
United States District Judge
Southern District of New York

DATED: New York, New York
September __, 2018